IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MACROPOINT, LLC Plaintiff v. **SALEBUG.COM, LLC** Defendants.	)	Civil Action No.: 1:14-cv-00312-JG Judge: James S. Gwin
SALEBUG.COM, LLC Counter-Plaintiff v. **MACROPOINT, LLC and** **BENNETT ADELSON** Counter-Defendants.	)	**JOINT CASE MANAGEMENT NOTICE**

Pursuant to Local Patent Rule 1.5, Plaintiff MacroPoint, LLC ("MacroPoint") and Defendant Salebug.com, LLC ("Salebug"), jointly advise the Court as follows:

(a) The parties believe this action is ripe to be scheduled for a Case Management Conference at the Court's earliest convenience.

(b) The parties each believe that the schedule for contention and claim construction activities under the Local Patent Rules ("LPR") should be modified to facilitate an orderly pre-claim construction hearing schedule. Counsel for the parties have exchanged and discussed proposed modified schedules, but have not yet been able to reach agreement on a modified schedule. Attached to this Notice as Appendix A are the parties' respective proposed schedules.

MacroPoint served Initial Infringement Contentions under L.P.R. 3.1 and 3.2 on August 25, 2014. Salebug contends that MacroPoint's infringement contentions were untimely and were in fact due over a month earlier than served, pursuant to L.P.R. 3.1. Salebug relatedly contends that MacroPoint's attached proposed schedule is unfair and unreasonable because after unilaterally assuming for itself a 59-day extension of time for its infringement contentions,[1] MacroPoint now proposes to impose a 19-day shortening of time for Salebug's invalidity contentions.[2] MacroPoint acknowledges that it did not timely serve its Initial Infringement Contentions under the LPR. Service of Invalidity and Unenforceability Contentions pursuant to L.P.R. 3.5 is determined from the date of service of the "Responsive Pleading" as defined in L.P.R. 1.3.[3] Therefore, pursuant to L.P.R. 3.5, Salebug's Invalidity and Unenforceability Contentions were due on September 3, 2014. Although Salebug has not yet served its Invalidity and Unenforceability Contentions, MacroPoint acknowledges that in drafting its Invalidity and Unenforceability Contentions, Salebug might benefit from a review of the Initial Infringement Contentions. MacroPoint believes its proposed schedule accounts for such a review. The parties will be prepared to discuss the LPR schedule, as well as general case management, at the Case Management Conference.

(c) The parties are unaware at this time of other case management issues that would impact any party's ability to conform to the Local Patent Rules beyond the modification to the schedule as referenced in Section (b) above or that would impede entry of an appropriate case management order.

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[1] Salebug filed its answer and counterclaims on June 12. MacroPoint filed an answer to the counterclaims on July 7, but did not file its infringement contentions until August 25th—i.e., 74 days after Salebug's answer and 59 days after its own responsive pleading (versus the 15 day period required by L.P.R. 3.1).

[2] Pursuant to MacroPoint's proposed schedule Salebug's invalidity contentions would be due 46 days after MacroPoint's infringement contentions, which is 19 days less than the 65 days afforded by operation of L.P.R. 3.1 and 3.5. L.P.R. 3.1 requires infringement contentions to be served 15 days after the Responsive pleading, and L.P.R. 3.5 requires invalidity contentions to be served 80 days after the Responsive pleading—i.e., 65 days after Plaintiff's infringement contentions (80 days – 15 days = 65 days).

[3] MacroPoint asserts that the Responsive Pleading in this case was filed on June 12, 2014. Salebug notes that according to this viewpoint MacroPoint unilaterally assumed for itself a 59 day extension for its infringement contentions.

Respectfully submitted,

Dated: September 17, 2014

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APPENDIX A

Plaintiff MacroPoint's and Defendant Salebug's proposed schedules for contention and claim construction activities:

L.P.R. Tasks	MacroPoint Proposed Dates	Salebug Proposed Dates
Initial Noninfringement Contentions - LPR 3.3 & 3.4	Friday, Sept. 26, 2014	Friday, Sept. 26, 2014
Invalidity and Unenforceability Contentions - LPR 3.5 &3.6	Friday, Oct. 10, 2014	Friday, October 31, 2014
Validity and Enforceability Contentions - LPR3.7	Thursday, Oct. 30, 2014	Wednesday, Nov. 19, 2014
Exchange Initial List of Terms for Construction - LPR 4.1(a)	Friday, Oct. 24, 2014	Friday, Nov. 21, 2014
Exchange of Final List of Terms for Construction - LPR 4.1(c)	Thursday, Nov. 13, 2014	Wednesday, Dec. 3, 2014
Exchange of Preliminary Claim Construction - LPR 4.2(a) & 4.2(b)	Wednesday, Nov. 26, 2014	Friday, Dec. 05, 2014
Exchange of Final Claim Construction - LPR 4.2(c)	Wednesday, Jan. 21, 2015	Thursday, Jan. 29, 2015
Disclosure of Expert Witness and Report - LPR 4.3(a)	Thursday, Dec. 11, 2014	Thursday, Dec. 18, 2014.
Disclosure of Rebuttal Expert Report - LPR 4.3(b)	Friday, Dec. 26, 2014	Friday, Jan. 9, 2015
Complete all Depositions of Experts Identified under LPR 4.3 - LPR 4.3(c)	Friday, Jan. 16, 2015	Friday, Jan. 23, 2015
File Opening Claim Construction Brief - LPR 4.4(a)	Thursday, Feb. 05, 2015	Friday, Feb. 13, 2015
File Responsive Claim Construction Brief - LPR 4.4(b)	Friday, March 06, 2015	Friday, March 20, 2015
File Joint Claim Construction Statement - LPR 4.5	Wednesday, March 11, 2015	Friday, March 27, 2015